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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Prof. Richard C. Willson III
and Dr. Jason Murphy
Serial No.: **09/994,701**
Filed: 11/06/2001
For: Nucleic Acid ...Metal Affinity Chromatography

Priority: Provis 60/246,292
Attorney Docket: 012AUS/UH2006
USPTO Customer Number: 26830
Response Due: **No Due Date**
Commissioner for Patents
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AMENDMENT IN RESPONSE TO INTERVIEW

37 CFR 1.121

Sir:

In response to the Office Action mailed 31 May 2007 [received July 11, due to international postal delays], and the Interview kindly granted to Applicants' Attorney on 7 August 2007, consideration of the following remarks is solicited.

The undersigned Attorney certifies that this Document has been filed via fax to 571-273-8300 Central Fax of the USPTO on 23 September 2007 *(37 CFR 1.10)*.

Applicants' Attorney herein responds to the Interview summarized below. No additional fee is believed due as there are presented 26 Total Claims including 9 Independent Claims which is less than the number of claims (the 33 Total Claims with 17 Independent Claims) previously paid for according to the 2/7/06 Fee Worksheet Shown in Private Pair.

Interview

Examiner Burkhart is thanked for his courtesy and expert comments at the in-person interview with Applicants' Attorney at 11 am on Tuesday August 7, 2007, at which one of the inventors, Prof. Richard C. Willson, Jr. was present by speaker phone. A key feature of the present invention is Applicants' discovery that double-stranded DNA and RNA do not bind to an IMAC column. None of the references hints at this discovery. This discovery enables the separation of shielded from unshielded compounds and is a powerful new tool in recovering DNA or RNA target compounds.

At the interview, Petty was discussed as being "a process to purify a specific protein..." (Petty 10.11.10). In contrast, the present invention purifies DNA or RNA substantially *free* of proteins. A feature of the present invention is that double stranded DNA and RNA do not bind to an IMAC column, and this enables separating shielded from unshielded purine or pyrimidine compounds.

Hubert processes only mono- and di-nucleotides and never processes a lysate (see Applicants' Claim 10) nor 4+ purine group molecules (see Applicants' Claim 10). The Yarchoan references apply only to AIDS therapy, and the minor AIDs drug claims have been cancelled without prejudice.

A new "Amendments to the Claims" section is included in this response, and the changes marked also include all those in the 25 February 2007 response. The arguments in the Remarks section of the response filed 25 February 2007 also remain applicable. [In a telephone discussion since the Interview, OIPE seemed to question the compliance of the "Amendments to the Claims" Section as last submitted, therefore it is re-submitted here with the additions to Claims 10 and 23 and New Claim 44 as specified below and set forth in bold-face.]